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Sent Electronically and via Overnight Delivery

July 18, 2014

Mr. John Gorman, Chief
Pesticides and Toxic Substances Branch
United States Environmental Protection Agency Region 2
Mail Code: MS105
2890 Woodbridge Avenue
Edison, New Jersey 08837-3679

Re: Former Alcoa Building 12
660 River Road
Edgewater, Bergen County
Block 74 Lot 1.02B
USEPA ID No. NJD981559149

Dear Mr. Gorman:

We are in receipt of the correspondence dated June 27, 2014 regarding the Self Implemented Disposal Plan (SIDP) submitted regarding the former Alcoa Building 12 Site (the Site) in Edgewater Borough. We are hopeful that the following will alleviate any concerns of the United States Environmental Protection Agency's (USEPA's) over what has become a complex situation and look forward to working with USEPA to resolve any outstanding issues.

On behalf of our client, 38 COAH Associates, LLC, the property owner, we have prepared the following to addresses the specifics concerns noted in the June 27 correspondence.

General Comments

"**Submission of the Notification:** Please clarify whether the SIDP was provided to the New Jersey Department of Environmental Protection and the local environmental protection agency (such as the Bergen County Department of Health Services). Notification of state and local environmental agencies is required per 40 CFR 761.61(a)(3)(i)."

> The SIDP was not submitted to NJ Department of Environmental Protection (NJDEP) or the Bergen County Department of Health Services. This oversight will be corrected with the submission of this response and the revised SIDP attached to this correspondence.

"**Scope of the SIDP:** The SIDP discusses a number of remedial activities and it is difficult to understand what activities the site owner is seeking approval for. While the Executive Summary indicates that approval is being requested for the off-site disposal of polychlorinated biphenyl (PCB) contaminated material, there are other activities identified in the SIDP (such as implementation of an interim remedial measure, future characterization sampling, and development of a risk-based PCB cleanup and disposal

application) for which it appears that approval is indirectly being sought. Please provide clarification with regard to the remedial activities for which the site owner is requesting EPA approval at this time. Please be aware that, with the exception of characterization sampling, EPA does not issue "after-the-fact" approvals for remedial actions that have already occurred."

The scope of the submission was to:

a) request USEPA's approval for the off-site disposal of stockpiled bulk PCB remediation waste at an appropriate, but non-TSCA licensed landfill e.g., a RCRA Subtitle C facility,

b) obtain USEPA approval for other future disposal self-implemented disposal options should future conditions so warrant, and

c) inform USEPA of the activities that have occurred and will occur at the Site and to provide sufficient background so that while a draft document is being prepared, USEPA is able to provide guidance regarding the preparation of the complete Remedial Investigation Report – Remedial Action Workplan (RIR/RAW) to facilitate its prompt approval.

The owner has indicated that the prompt disposal of the contaminated soil and concrete stockpiles at the Site to a Toxic Substances Control Act (TSCA) licensed landfill is an acceptable alternative. As a result, the SIDP has been revised accordingly and has been re-submitted.

"Cleanup Level(s): Please provide the PCB cleanup levels that were used to drive the recent remedial activities (i.e., the excavations and scarification of concrete)."

It was the initial intent of the UST closure to implement the removal of impacted soil to below at least 1 milligram per kilogram (mg/kg or parts per million) total PCBs, or the current NJDEP Residential Direct Contact Roil Remediation Standard (RDC SRS) and Impact to Groundwater Soil Screening Level (IGW SSL) of 0.2 mg/kg total PCBs if it could be met.

It became apparent after the re-excavation of the UST AOC in February 2012, that this was un-achievable and that a different approach would be necessary. While a self-implemented high (10 mg/kg total PCBs) or low occupancy (25 mg/kg total PCBs) cap was considered, and would have been desirous in terms of the ease of self implemented approval by USEPA, the surface soil samples, and subsequent subsurface samples collected in June 2014, as discussed below, do not lend themselves to that approach. Therefore, a risk-based approach has been determined to be the most cost effective approach that is still protective of human health and the environment.

"The Figures: The first two figures in the SIDP respectively provide the site location and an overall depiction of the site. However, the remaining figures represent close-up views of specific locations and it is difficult to determine where specific activities occurred on the site. Please provide information that will resolve this situation, including a figure that shows the current (post-excavation and scarification) levels of PCBs throughout the site."

Figure 3 of the SIDP also shows the entire property. Figures 4 and 5 show the initial sampling data; however, these data were rejected after receipt of the data validation reports from de Maxis Data Management Solutions (ddms) as discussed in Section 3.4.2.2 of the SIDP and below in this correspondence. Figures 6 through 9 show the most recent soil and concrete sampling locations discussed in the SIDP. Historic sample data from Building 12 was included in the June 26, 2014 electronic submission. We will keep in mind USEPA's comments in preparing figures for the RIR/RAW.

"Sample Analysis Dates: Please provide the sample analysis dates for all of the results that are presented in the SIDP. Submission of this information is required per 40 CFR 761.61 (a)(3)(i)(B)."

A copy of the electronic laboratory deliverables has been included in Appendix H of the revised SIDP. The sample analysis dates are included in this information. Please note that not all of these data have been validated at this time, but that would not alter the reporting of the laboratory's analysis date. Validation Reports received to date have been included.

"**The Project Schedule:** As explained in Section 3.1 of the SIDP (Site History), the text of this section states that the site is being redeveloped as a spa and that construction of a building for that purpose has commenced. Redevelopment of the site prior to resolution of the PCB contamination issues is a concern for the United States Environmental Protection Agency (EPA), since EPA may ultimately determine that remediation is required in those redeveloped areas. Therefore, the milestones of the project schedule should be represented solely in terms of duration (based on EPA's approval of the site owner's cleanup plan(s)) and not as specific dates. Furthermore, please be advised that the site owner will be proceeding at risk if redevelopment proceeds without resolution of the PCB contamination issues."

We understand the Agency's concerns about the proposed construction and the redevelopment of the site. The funding for this redevelopment could be imperiled by further delays in construction. The site owner and redeveloper were apprised of this potential concern prior to the receipt of USEPA's comments and that they are proceeding at risk.

Specific Comments:

Section 2.1 – Location and Site Characteristics

"Since the text on page 2 states that Building 12 has been demolished, please provide the analytical results of all PCB sampling as well as disposal information for this material."

Historic PCB data collected prior to case closure by NJDEP, including the concrete wall samples that were reported < 1 mg/kg total PCBs, was provided electronically with the submission made to the Agency on June 26, 2014. To our knowledge, no additional sampling of Building 12 was conducted after 1999 and prior to its demolition.

The owner reasonably relied upon this data and the entire site, unrestricted use Response Action Outcome (RAO) issued on October 27, 2010 by the Licensed Site Remediation Professional (LSRP) of record, Mr. John Gere of EnvioSciences of DE, Inc. (ESI), and NJDEP's termination of the deed notice in concluding that there were no known issues with contamination at the Alcoa Building 12 site, including the building itself. In terminating the deed notice and issuing the entire site, unrestricted use RAO the LSRP and NJDEP effectively gave the building a clean bill of health.

Section 3.1 – Site History

"Please see EPA's comment above regarding the project schedule."

Please see above response.

Section 3.3 – Prior Environmental Investigation

"The second paragraph on Page 7 discusses the initial remedial action for demolition of Building 12, and the work was apparently limited to removal of the concrete floor. Please explain if EPA was notified prior to the commencement of this work and please verify EPA's understanding that only the walls of Building 12 remained once this phase of the cleanup was completed."

USEPA was consulted by NJDEP and/or ESI, consultant for the prior owner (North River Mews Associates, LLC), regarding the October 18, 1999 RIR/RAW. Additional concrete coring samples

was conducted based on USEPA's approval dated July 30, 1999, and NJDEP's approval dated August 5, 1999. These approval letters were included in the August 2002 Remedial Action Report that was submitted to USEPA electronically on June 26, 2014. We have revised the text of the SIDP address EPA's comments. A copy of these documents is included with this submission.

"The third paragraph on Page 7 states that certain areas of exterior walls on the West Lot became unstable and fell. Please identify the building that the text is referring to. This material was apparently stored on a tarp inside Building 12, sampled and disposed offsite. Please also provide the analytical results of all PCB sampling of this material as well as the disposal information."

The former Alcoa Building 12 occupied both the now sub-divided east and west lots. A portion of Building 12 on the west lot, Lot 1.02A, was demolished in 2010 to construct the affordable residential housing. As discussed in the text of the SIDP, it was a portion of Building 12 on the west lot, lot 1.02A, which collapsed and was temporarily staged in the building prior to sampling and off-site disposal. A copy of the correspondence and sampling data has been included electronically with the revised SIDP.

The remaining portion of Building 12 on Lot 1.02B was included in the sampling plan for the walls approved by USEPA on July 30, 1999. The balance of the remaining building on the east lot, Lot 1.02B, was not resampled as the owner did not believe that the building was impacted following the NJDEP's concurrence in terminating the deed notice on the building and the unrestricted use RAO issued by the LSRP, Mr. Gere, on October 27, 2010.

"The text on the bottom of Page 7 and the top of Page 8 discusses the termination of the Deed Notice for Building 12. Please explain if EPA was notified of this action."

We are not aware of whether or not EPA was notified of this action by NJDEP or ESI.

Section 3.4.2.1 -October 2013 Underground Storage Tank (UST) Closure

"The text on Page 9 refers to oil "that had been inadvertently removed from the site." Please explain the circumstances of this occurrence (e.g., the amount of oil, where the oil was transported, etc.)."

The demolition contractor, Waterside Construction, LLC, filled two 250 gallon poly totes with PCB contaminated No. 4 fuel oil from the Site and transported the totes to their yard. When reported, these totes were immediately quarantined, emptied, cleaned, and the fuel oil and totes were transported for incineration. This paragraph has been revised for clarity.

"Since the text states that the USTs were cut up and disposed off-site as scrap, please describe the decontamination procedures that were implemented prior to the off-site disposal."

Once the No. 4 fuel oil contaminated with PCBs had been cut with diesel fuel to lower the viscosity by the contactor retained specifically to perform the decontamination of the USTs, Environmental Waste Minimization, Inc. (EWMI), a vacuum truck was used to remove the fuel oil from the USTs. EWMI utilized a pressure washer to decontaminate the UST shell. Waste water was also removed from the USTs by EWMI using the vacuum truck and containerized for off-site disposal. This paragraph has been revised for clarity.

Section 3.4.2.2- November 2013 Soil Excavation

"The text of the second paragraph on Page 10 refers to the discovery of a "massive former concrete foundation structure." Please provide the physical dimensions and the condition of this structure."

The "massive concrete structure," is shown in Figures 4, 5A, and 6-9, and is located across the Site near the western boundary and demarked the back wall of the basement. It may have been a subsurface structural grade beam. It measures approximately 11 feet wide by 150 feet long by 4

feet thick. The structure was in good conditions, i.e. undamaged by demolition, but was visibly stained by the UST release; these stains were removed and sampled. This paragraph has been revised.

"The text in the second paragraph on Page 10 also refers to soils being placed against a sidewall to shore up an excavation area. Please describe the source of the soils (and their PCB concentrations) that were used for this purpose."

Following the demolition of the building, the western edge of the property was excavated to attain the final grade depth. During the excavation of the USTs, this resulted in a potentially hazardous situation because the back wall of the excavation was apparently not sloped or shored by the redeveloper's contractor according to Occupational Safety and Health Administration excavation safety standards, e.g., 29 CFR 1926.650-652. The redeveloper's contractor subsequently constructed a block wall at the western edge of the property at the rear of the UST excavation. The void space behind this wall against native soils was backfilled with soil from the site. These soils have been presumed to have been impacted and were investigated as part of the soil boring installed June 26, 2014. Preliminary data have been received and is being validated by ddms. The validated results will be reported with the balance of the soil boring program in the RIR/RAW.

"This section of the SIDP discusses the rejection of post-excavation sample results during the data validation process. The reason provided for the data rejection is that the results "were found to be outside of acceptable quality control standards." Since we do not fully understand the rationale for the data rejection, please provide a list of the quality control standards with the respective exceedances."

A number of significant data quality issues were identified by ddms during their validation of the Test America laboratory deliverables (a NJDEP and NAVLAP certified laboratory for PCBs). In their February 19, 2014 correspondence, ddms concluded:

> "After several communications with the laboratory, data quality concerns remain. Sound laboratory practices have not been instituted as evidenced by the Field Blank preparation. Misidentification of aroclor-specific peaks due to substantial RT shifts may have resulted in the misidentification of aroclors present on the site and/or inaccurate concentrations reported. Inconsistent units were documented for the reactive cyanide and reactive sulfide analysis results. Overall, the laboratory has been non-responsive. Integrity of the data is questionable. Based on the data provided in the revised data packages as well as the responses from the laboratory, it is the opinion of the ddms data validators that the PCB data and the reactive cyanide and reactive sulfide data, as reported, are not defensible data."

Because the laboratory would not, or could not, correct the numerous deficiencies, the data were determined to be unreliable and were rejected after a significant effort to make as much data usable as possible. A copy of the laboratory deliverables and the data validation reports prepared by ddms will be provided by in the RIR/RAW. Accutest Laboratories, Inc., a NJDEP and NAVLAP certified laboratory for the analysis of PCBs using TSCA required methodology, has been retained for analytical laboratory services subsequently and the data will continue to be subjected to formal validation by ddms.

Section 3.4.2.3 -February 2014 Soil Excavation

"The text at the top of Page 11 states that a large portion of the UST excavation had been backfilled but needed to be re-excavated. Please provide the source of the backfill as well as the results of all PCB sampling of this material."

The redeveloper's contractor utilized the contaminated soil stockpile from the UST excavation as backfill for the excavation while PEC was not present at the Site. This soil, was heavily

contaminated from the UST discharge, but the analytical data collected form the initial post excavation sample are not reliable and were rejected as discussed above. Therefore, it is impossible to state accurately the PCB concentration of this backfill material but this impacted backfill was subsequently re-excavated in February-March 2014 and post-excavation samples were taken from the area re-excavated. This paragraph has been revised.

"The second paragraph on Page 11 discusses the discovery of two sets of product supply/return lines, and states that further investigation of the piping was deferred pending completion of on-site activities. Please provide the current status of this piping, as we believe it could re-contaminate areas previously excavated."

The two sets of suspected product supply and return lines were drained of a small quantity of liquids using adsorbent pads and crimped during the UST closure, but the un-safe conditions of the western property edge wall as discussed above, precluded further access. The piping was traced onto the adjoining property following the UST closure using an electromagnetic survey. Six soil borings were installed adjacent to the two pipes in June 2014, and the preliminary results have been received that indicate a discharge from the piping has not occurred; however, the data are still being validated. These activities will be reported in full in the Remedial Investigation Report / Remedial Action Report. This paragraph has been revised.

"The fourth paragraph on Page 11 discusses the release of water (previously in contact with an oily product) through a repaired drain line. Please provide the PCB sampling results of the water prior to discharge and please describe the discharge point for the drain line."

The redeveloper's contractor drained water from a broken stormwater pipe that entered the UST excavation into the storm drain on Vreeland Avenue during PEC's absence from the Site. PEC was not present during this work and is reviewing whether any sampling was done and the discharge point. Additional findings will be reported in the RIR/RAW. This paragraph has been revised.

"The text of this section also discusses the scarification of the subsurface structure. We do not know if the sample results presented in Figure 9 represent the post-scarification PCB sampling results. Please clarify this ambiguity and please provide these sampling results if they are not presented in the SIDP."

Figure 9 represents the post scarification sample results for total PCBs.

Section 3.4.2.4 -March 2014 Soil Excavation & Concrete Foundation Remediation

"Please clarify the statement, presented in the last paragraph on Page 13, that "the concrete was cleaned as much as possible." As requested above, please provide the PCB cleanup level that was used for the remediation of the concrete."

The concrete was chipped and/or scarified to remove obvious staining. Concrete samples were collected as discussed above and the results will be evaluated using the risk based approach.

"The text in the last paragraph on Page 13 also refers to soil removal down to bedrock. Please provide the post excavation sampling results that show the level of PCBs remaining in the bedrock. Furthermore, please explain whether any oil or other product was observed at the top of the bedrock."

Soil was removed to bedrock in some areas that precluded the collection of soil samples. These sample locations are provided in Appendix A of the SIDP. Indications of oil or other product was not observed on the bedrock.

"Please resolve the typographical error present at the bottom of Page 13 as "Error! Reference source not found."

This cross-reference to Appendix A has been repaired in the revised SIDP.

Section 3.4.4 - Disposal Characterization Sampling

"Under the Toxic Substances Control Act, PCB-contaminated· material that is regulated for disposal must be disposed based on the in-situ, or as-found, concentrations. Material cannot be disposed based on the sampling of stockpiled material, since the process of excavation and stockpiling could dilute the PCB concentrations."

We understand the TSCA requirements for disposal based on in-situ concentrations of PCBs. Our proposal in the SIDP assumed that the entire stockpile exceeded the ≥ 50 mg/kg threshold and was, therefore, a TSCA regulated bulk remediation waste and was not intended to suggest that the stockpiles could be segregated into different disposal options. Composite samples of the stockpile were collected to certify that the contents were not also RCRA hazardous waste and to meet the permit requirements of the TSCA and/or RCRA based disposal facilities.

Our SIDP requests USEPA's approval to categorize any future bulk remediation wastes requiring off-site disposal based on the in-situ concentrations as provided in the SIDP and the RIR/RAW that is being prepared.

Section 3.4.5.1 - Soil Delineation

"While we understand that the first Area of Concern (AOC-1) pertains to the two 20,000-gallon USTs, we are unclear as to the location and extent of AOC-2. Therefore, please provide a figure depicting the proposed soil delineation activities."

Because the former Building 12 structure encompassed the entirety of Block 74 lots 1.02 B, AOC 2 has been designated to include the former building footprint. AOC 2 represents the entire property as shown on Figures 2 and 3.

"The text explains that further soil investigations will be conducted as needed. Please explain the circumstances that would require additional soil investigations."

The remedial investigation is an iterative process. In order to delineate the extent of the PCB impacts and identify potential receptors, additional soil samples may be necessary. For examples, samples exceeding the 0.5 mg/kg NJDEP RDC SRS and IGW SSL at the perimeter of the investigated area will require the collection of additional samples to demonstrate the edge of the impacted area. Any additional soil sampling will be reported in the RIR/RAW.

Section 3.4.5.2 - Groundwater

"Please clarify whether low-flow sampling procedures will be used to collect groundwater samples. Additionally, please note that per 40 CFR 761.79(b)(1)(iii), the decontamination level for unrestricted use of water is 0.5 parts per billion."

The recently completed field event in June 2014 included the collection of three groundwater samples from temporary well points. The yield from these three well points was very limited, only

several inches of water were available in each point. The volumes of water would not have even supported low flow purging of groundwater perched on the bedrock. Samples were collected with a bailer and field filtered with a 0.45 µm filter to remove turbidity. Preliminary data indicates that the PCBs were not detected, and the reporting limits are below the 0.5 µg/l TSCA decontamination level and NJDEP Class II-A Groundwater Quality Standard. These data will be validated upon the receipt of the laboratory deliverables and reported in the Remedial Investigation Report – Remedial Action Workplan.

Should future groundwater sampling events be necessary, low flow purging and sampling will be utilized if feasible.

"The text explains that additional investigation activities will be recommended as warranted. Please explain the circumstances that would require additional investigations."

The evaluation of the migration to groundwater pathway is still on-going and, as noted above, three temporary well point samples were recently collected and submitted for laboratory analysis. A determination of whether any additional investigation is required will be made based on the validated laboratory results. If additional investigation is indicated, e.g., the groundwater data indicates the presence of PCBs at > 0.5 µg/l, then that work will occur in the future and the RIR/RAW will be amended.

Section 3.5 - Proposed Risk Assessment

"This section of the SIDP appears to be written with the assumption that EPA will approve a risk-based cleanup approach for the site. Please be aware that EPA's approval of a risk based cleanup is not a forgone conclusion. If PCBs remain on the site above the self implementing levels of 40 CFR 761.61(a), then it must be clearly demonstrated, through submission of an application under 40 CFR 7 61.61(c), that the remaining PCBs do not present an unreasonable risk to human health or the environment."

The purpose of this section of the SIDP was to advise USEPA that this was the approach that we were pursuing, and not to seek approval for a document that had not yet been submitted. Rather, we are advising USEPA of the approach to facilitate a discussion of technical issues that may arise and where additional information or guidance may be necessary. A robust risk assessment evaluating the potential and completed exposure pathways is being prepared using USEPA's current guidance. We understand that USEPA's approval of the proposed risk based cleanup is not guaranteed.

Section 3.6.1- Interim Remedial Measure (IRM)

"Please provide a figure showing the location of the IRM and please explain if the intention is to incorporate the IRM into a final remedy."

The IRM will be installed across all of AOC 2, e.g. the entire property, Block 74 Lot 1.02B, as shown on Figure 2 and Figure 3.

The IRM will be included in the final remedy, and will remain beneath the proposed six inch thick concrete floor as additional level of engineering controls (and institutional controls) beyond the minimum TSCA requirement. As such, it will appear on the figures in the RIR/RAW both horizontally and in cross section. This text has been revised.

"If the IRM is to be eventually removed then please describe how the material will be disposed."

The IRM will be a permanent part of the final concrete cap and will sit immediately below the concrete. It will not be removed unless additional remediation is required by USEPA, in which case, it will be reinstalled.

"Please also provide documentation that the crushed stone is from a virgin source."

"...the geotextile is being covered by approximately six inches of crushed stone from a virgin quarry source." Copies of the source documentation and delivery tickets will be provided in the RIR/RAW that will detail the complete installation of the IRM according to the schedule proposed in Appendix G of the SIDP.

"Please note that, as stated above, EPA does not approve remedial actions that have already been implemented."

So noted.

Section 3.6.2 - Waste Disposal

"As explained above, the disposal (or reuse) of PCB contaminated material must be determined based on the in-situ, or as-found, sampling results. If this type of sampling was not performed, then all of the stockpiles must be disposed either: in accordance with 40 CFR 761.61(b); or under a self-implementing approval issued by EPA under 40 CFR 761.61(a) with the assumption that all of the stockpiles contain PCBs at levels equal to or greater than 50 parts per million."

The initial and revised SIDP both propose to use the assumption that the stockpiled material is ≥ 50 mg/kg PCBs, and does not segregate the stockpiled materials.

Section 3.6.3 –Engineering Controls and Section 3.6.4- Institutional Controls

"Since the final cleanup levels for the site have not been proposed, EPA cannot approve the activities described in these sections."

The SIDP was not seeking approval for these activities, but was informing USEPA of our scope of activities. The final cleanup levels derived from the risk assessment and the details related to the proposed engineering controls will be detailed in the RIR/RAW.

Thank you for your attention to this matter. Should you have any questions or comments, please feel free to contact me at (908) 329-6060 or rferguson@pennjerseyenv.com.

Sincerely yours,
Pennjersey Environmental Consulting

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